

**Testimony of Representative Sara Jacobs Before the Committee on House Administration
Concerning TS/SCI Clearances for House staffers
March 8, 2023**

Good morning, Chairman Steil and Ranking Member Morelle. I appreciate the opportunity to testify before the Committee on House Administration today regarding providing more access to TS/SCI clearances for House personal office staffers.

Staff access to Top Secret/Sensitive Compartmented Information (TS/SCI) is vital to ensure prompt and effective action on issues related to national security, election security, and cyber threats. As Members of Congress, we have the ability to access classified information, but House staff often lack the necessary clearance to provide Members support on matters requiring such levels of security. The lack of clearance creates unnecessary roadblocks for House Members seeking to legislate and conduct oversight, and ultimately undermines efforts to uphold the public interest.

It is imperative that each personal office in the House of Representatives is granted one TS/SCI clearance so that a designated staffer can support each Member with classified matters. Currently, House Rules only allow for each office to have two personal staffers with Top Secret (TS) clearance but does not allow for any staffers with Sensitive Compartmented Information (SCI) clearances. The Executive branch has been classifying more information at the SCI level, which effectively limits the support that staffers with just TS clearance are able to provide.

In the 1970s, an informal agreement was struck between then-Speaker O'Neill and the CIA Director to limit the number of security clearances.¹ In practice, this meant that only relevant committees and leadership could have staffers apply for TS/SCI clearances.² This agreement has created a precedent for the Office of House Security — at the direction of House leadership — to refuse to process new or transfer existing TS/SCI clearances for personal staff. This has left the majority of House Members without the resources necessary to engage with information classified at the TS/SCI level. Despite this agreement, the Executive branch did not reduce the level at which it grants TS/SCI clearances.

The lack of clearances for House staff is particularly concerning when Members of Congress have to vote to declare a national emergency or authorize the use of military force. The House Security Manual's practices are outdated and do not account for the drastic increase in the

¹ For the correspondence between the Speaker and the CIA Director, see https://s3.amazonaws.com/demandprogress/documents/1978_correspondence_on_clearances.pdf.

² See "A Primer on Congressional Staff Clearances: Which Staff Can Obtain Security Clearances, at What Levels, and Who Decides?" Daniel Schuman and Mandy Smithberger (February 2020), https://docs.pogo.org/report/2020/A_Primer_on_Congressional_Staff_Clearances_2020-02-05.pdf.

amount of information that the Executive branch is classifying at the TS/SCI level. Over the last decade, the amount of classified information has increased by 250% and information classified at the TS and TS/SCI level increasing by over 370%.³ As more information is being classified, the number of staffers that can support Members of Congress at briefings on TS/SCI level information is decreasing.

The number of congressional staffers with TS/SCI level clearances is incredibly low when taking into account the hundreds of thousands of Executive branch employees and interns with clearances, as well as many non-citizens and thousands of foreign politicians, foreign government civilians, foreign military personnel, and foreign contractors. And yet, congressional staffers are disproportionately impacted by their lack of clearances with approximately 300 in the Senate, and even less in the House.⁴

Providing select House personal staff with TS/SCI clearances will not necessarily give staffers unfettered access to classified information. Rather, the TS/SCI clearance is just the first step in gaining access to classified information. It must also be demonstrated by the entity holding the classified information that individuals need access to each SCI component and the staffers must sign nondisclosure agreements.⁵

The lack of sufficient clearances for staff undermines Congress's ability to legislate and conduct effective oversight. Staff without clearances cannot provide unbiased, expert advice to Members of Congress on critical issues. Even staff with TS/SCI clearances at the time that they were hired are not allowed to use their clearances for their congressional work. The absence of such advice and the time spent in acquiring such clearance weakens our ability to legislate and conduct effective oversight. The policies in place have made Members unduly reliant upon staff outside their offices.

I introduced a bipartisan amendment to H.R. 5314, the Protecting Our Democracy Act, during the 117th Congress that would permit one TS/SCI clearance per personal office.⁶ This proposal would:

³ 2017 Report to the President, Information Security Oversight Office, National Archives and Records Administration, <https://www.archives.gov/files/isoo/reports/2017-annual-report.pdf>.

⁴ See "A Primer on Congressional Staff Clearances: Which Staff Can Obtain Security Clearances, at What Levels, and Who Decides?" Daniel Schuman and Mandy Smithberger (February 2020), https://docs.pogo.org/report/2020/A_Primer_on_Congressional_Staff_Clearances_2020-02-05.pdf.

⁵ A more in-depth discussion of the importance of expanding TS/SCI clearance available can be found in the testimony of Mandy Smithberger before the House Legislative Branch Appropriations Subcommittee (March 2020) <https://www.congress.gov/116/meeting/house/110517/witnesses/HHRG-116-AP24-Wstate-SmithbergerM-20200304.pdf>.

⁶ Amendment to H.R. 5314, the Protecting Our Democracy Act during the 117th Congress: https://amendments-rules.house.gov/amendments/JACOCA_033_xml211202115449942.pdf.

1. **Request that House leadership direct a revision to the House Security Manual to allow one staffer in each House personal office to be eligible to apply for access to Sensitive Compartmentalized Information.** This would enable each Member of Congress to designate one staffer with the necessary clearance to help them conduct oversight and legislative work that requires access to classified information.
2. **Recommend that House leadership impose a new required annual training for House staff on counterintelligence threats, classified information disclosure laws, and the proper handling of classified information.** This training would ensure that staff with access to sensitive information understand their responsibilities and are better equipped to safeguard national security.

The costs of implementing these reforms are likely to be minimal, and the benefits could be significant.⁷ The Senate changed its practices to allow each Senator to designate one personal office staffer eligible to apply for a TS/SCI clearance.⁸ The House of Representatives should follow the same approach and empower every Member to designate one personal office staffer who shall be provided clearance at the TS/SCI.

These policy changes are long overdue and necessary for the House to ensure that it has the resources to conduct effective oversight and provide the public with the information they need to hold their government accountable. The proposed changes would provide greater clarity, flexibility, and accountability in the management of classified information, thereby enhancing the security of the nation and strengthening public trust in government institutions.

I greatly appreciate your time and consideration of our request and look forward to answering any questions you may have.

Sara Jacobs
Member of Congress

⁷ DCSA billing rates for FY22/23 are available online. The tier 5 clearance tier encompasses TS, SCI, and Q investigations, all of which are billed at the same rate. (The House already provides for TS and Q clearances.)

⁸ “Senate Personal Offices Now Allowed a Staffer With TS/SCI Clearance,” First Branch Forecast (Nov. 16, 2021) <https://firstbranchforecast.com/2021/11/16/senate-personal-offices-now-allowed-a-staffer-with-ts-sci-clearance/>.